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Item #

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
AGENDA MEMORANDUM
(continued from July 10, 2002)**

SUBJECT: Text Amendment to The Future Land Use Element of the Vision 2020 Plan to add a policy to allow division of non-conforming lots into two parcels in the East Rural Area, under special circumstances, in the A-3, A-5, and A-10 zoning districts.

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Dick Boyer **EXT.** 7382

Agenda Date 09/04/02 **Regular** ☐ **Consent** ☐ **Work Session** ☐ **Briefing** ☐
Public Hearing – 1:30 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Transmit the proposed text amendment to the Future Land Use Element to the Department of Community Affairs for review; or,
2. Deny the amendment; or,
3. Continue to a date certain.

(Dick Boyer, Senior Planner)

The proposed text amendment was continued from the July 10, 2002, LPA/P&Z meeting at staff's request in order to provide interested parties with sufficient time to review the policy. Copies have been distributed to the Development Advisory Board and environmental groups for their comments.

PROPOSED POLICY:

Policy FLU 11.18 – Division of lots or parcels designated as A-1 prior to September 11, 1991

By January 31, 2003, the County shall adopt amendments to the Land Development Code that would permit those parcels located in the East Rural Area a single lot split (the subdivision of one parcel into two parcels) if all of the following requirements are met: 1) the lot split was approved by Seminole County prior to September 11, 1991; and 2) the lot was not split prior to September 11, 1991, in accordance with the County's approval; and 3) the property was zoned A-1 (Agriculture) prior to September 11, 1991, and 4) the County administratively rezoned the property to A-3, A-5, or A-10

Reviewed by:	
Co Atty:	<u>RZC</u>
DFS:	
Other:	<u>AS</u>
DCM:	
CM:	
File No.	<u>02F.TXT01</u>

(Rural Zoning Classifications) on September 11, 1991. The Land Development Code amendments shall provide specific criteria for approval or denial of the lot split.

BACKGROUND:

In September, 1991, the County's Comprehensive Plan was amended to create the "East Rural Area" of Seminole County. This Plan amendment created and assigned a set of rural future land use classifications (Rural-3, Rural-5, and Rural-10) and associated rural zoning classifications (A-3, A-5, and A-10) to properties within the Rural Area. Many of these parcels were previously zoned A-1 and some were rendered non-conforming or otherwise inconsistent with provisions of the Land Development Code related to development. Existing policies in the Vision 2020 Plan permit development of non-conforming parcels in the Rural Area which do not meet the minimum parcel size of the current zoning and land use if they were part of a waiver to plat, subdivision plat, or 5-Acre Subdivision which was approved or executed prior to the administrative rezoning. Current Vision 2020 Plan policies do not address lot splits approved prior to the administrative rezoning. Thus, an owner who received County approval for a lot split while zoned A-1 would now be unable to execute the split.

Staff is proposing that owners of parcels who were granted approval by the County for a lot split (division of one parcel into two parcels) under pre-existing A-1 zoning, but did not execute the split prior to 1991, be permitted now to execute the split as approved. The property owner would be required to provide documentation that the lot split was approved by the County and was for property administratively rezoned to a less intense district within the East Rural Area.

Policy FLU 11.15 of the Vision 2020 Plan indicates that the existing provision for development of non-conforming properties included in pre-1991 plat waivers, subdivision plats, and 5-acre subdivisions, results from findings that:

1. These lots and parcels are a generally accepted development pattern by residents of the East Area of Seminole County;
2. The grandfathering of these certain lots and parcels will not adversely affect the overall intent and objectives of the Rural Area Plan;
3. Development of lots deriving from these lots and parcels will be subject to all Land Development Code provisions and therefore will further implement the provisions of the Rural Area Plan; and
4. There are expressed expectations and intent by these existing property owners to use their property in a certain manner as evidenced through their application for and action by the County to record a parcel, approve and maintain as valid a final Development Order or execute a 5-Acre resolution.

Staff is of the opinion that the adoption of the proposed policy would be consistent with the above findings. The existence of documentation of an approved lot split indicates the expectations and intent by the property owners to subdivide their property, and the proposed policy does not increase densities above what could have occurred prior to 1991.

If the Board votes to transmit the amendment to DCA as part of the Fall, 2002, large-scale amendment cycle, it would return for an adoption hearing, tentatively scheduled for the November 26, 2002, Board meeting. At that time, Staff would bring forward a proposed revision to the Land Development Code which would implement the proposed Vision 2020 Plan policy addition. The Code revisions will specify certain criteria under which the lot splits may be approved or denied.

STAFF RECOMMENDATION:

Planning staff recommends transmittal of the proposed text amendment allowing division of non-conforming lots into two parcels in the East Rural Area, under special circumstances, in the A-3, A-5, and A-10 zoning districts, to the Department of Community Affairs for review.